

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket: NL 030336

ANDREA GIRALDO ET AL.

Group Art Unit: 2629

Serial No.: 10/551,023

Examiner: JENNIFER L. ZUBAJLO

Filed: SEPTEMBER 29, 2005

CONF. NO.: 8259

TITLE: DISPLAY DEVICE

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

Appellants herewith respectfully present its Reply Brief as follows:

ARGUMENT/REMARKS

The Examiner's Answer generally recites the rejection as contained in the Final Office Action that issue on December 27, 2007. Accordingly, Appellant's remarks herein will be limited to the issues raised in the Response to Argument section of the Examiner's Answer that begins on page 9 of the Examiner's Answer.

The Examiner's Answer has taken a position that (emphasis added) "since this limitation (i) [of 'the generating means/controller generates the first and second time intervals in an order that reduces dead times between the time intervals'] does not require nonsequential order that reduces dead times between the time intervals' ... then whatever order that this occurs including sequential order, reduces dead times, therefore corresponds to the limitation (i)." (See, Examiner's Answer, page 10, line 7 through page 11, line 2.) It is respectfully submitted that this position misses the fact that the prior art minimizes dead times between subfields but does not generate the first and second time intervals in an order that reduces dead times ... as substantially recited in each of claims 1, 11 and 12.

The point raised in the Appeal Brief was not that the claims required a non-sequential order. Clearly the claims of the present application have no such recitation. The point raised by the Appeal Brief is that the claims recite "an order that reduces dead times ..." A prior art algorithm that reduces dead times without consideration of an ordering of the first and second time intervals can not be said to render the claims obvious.

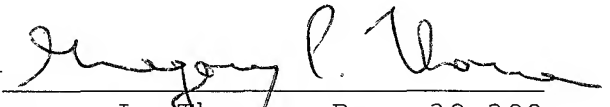
The Examiner's Answer takes a position that the arguments provided in the Appeal Brief related to "a multilevel power addressing scheme ..." are directed to "features ... not recited in the rejected claim(s)." It is respectfully submitted that the claims recite in pertinent part (emphasis added) "at least a first non-zero emission level ... and a second non-zero emission level" and accordingly, the claims are directed to a multilevel (e.g., at least a first and second level) power addressing scheme, as argued in the Appeal Brief. Accordingly, the claims further distinguish over Khormaei and AAPA with regard to this additional feature.

The arguments in the Appeal Brief provided regarding the benefits of the claimed invention over the prior art, namely "enhanced by a factor of '2'" over Khormaei and AAPA, are directed to the benefits of having at least a first and second level as

recited in the claims. Accordingly, while "factor of 2" is not in the claims, this benefit is a direct result of the claim recitations.

Based on the foregoing, the Appellants respectfully request that this Board reverse the decisions of the Examiner in rejecting claims 1-14 and allow this application to pass on to issue.

Respectfully submitted,

By 
Gregory L. Thorne, Reg. 39,398
Attorney for Appellants
October 6, 2008

THORNE & HALAJIAN, LLP

Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101